

**Notice of Allowability**

Application No.

10/029,229

Examiner

Anthony Mackowey

Applicant(s)

MCKINLEY ET AL.

Art Unit

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Pre-Appeal Brief filed 10 November 2005.
2. ☒ The allowed claim(s) is/are 18-22 and 24-27; renumbered 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)                                    |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>03/06/2006</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance                           |
|   | 9. <input type="checkbox"/> Other _____.   |

### **EXAMINER'S AMENDMENT**

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William Conwell on March 6, 2006.

The Abstract of the Disclosure is to be amended as follows:

At the end of the last line insert, --One particular arrangement is a method in which a PDA, wristwatch, or other portable device with a display screen presents an image that depicts a proprietor of the device, and also includes a machine-readable identifier (e.g., a watermark or barcode). This image is sensed by a separate device, such as a webcam or a camera-equipped cell phone. The sensing device can then take an action based on the identifier (e.g., linking to an email account or to a web site that corresponds to the person depicted on the display screen).--

### ***Response to Arguments***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Applicant's arguments, see pages 1-6, filed November 10, 2005, with respect to the rejection of claim 18-22 and 24-27 have been fully considered and are persuasive. The rejection of claims 18-22 and 24-27 has been withdrawn.

### **REASONS FOR ALLOWANCE**

The following is an examiner's statement of reasons for allowance:

Claim 18 recites, "using the image sensor apparatus to capture a representation of a graphic presented on the display screen of the portable device, and decoding said captured representation to obtain plural-bit data steganographically encoded in said graphic."

Claim 24 recites, "using the image sensor apparatus to capture a representation of a graphic presented on the display screen of the portable device, the graphic including a depiction of a proprietor of the portable device, and decoding plural-bit machine readable information also represented on the display screen."

Claim 25 recites, "receiving a steganographically encoded graphic, said steganographic encoding representing plural bit information; displaying said encoded graphic on an electronic display screen of the second device; and presenting said display screen to the first device for optical capture.

The above features, as explicitly recited, and in combination with the other elements of the claims are neither disclosed nor suggested by the prior art of record. Claims 19-22 depend from claim 18. Claims 26 and 27 depend from claim 25.

USPAP 2002/0023027 to Simonds teaches a barcode being displayed on portable devices, which can be captured using a barcode reader. Simonds does not disclose the displayed graphics having steganographically data or a depiction of a proprietor of the device.

USPN 6,038,333 to Wang teaches a portable device displaying the image of person with additional identity information. Simonds does not disclose an image sensor apparatus capturing a representation of a graphic displayed on the screen of the device.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

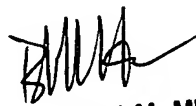
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony Mackowey whose telephone number is (571) 272-7425. The examiner can normally be reached on M-F 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta can be reached on (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AM  
3/92005

  
**BHAVESH M. MEHTA**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**